

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

**CIVIL NO. 3:08CV330  
(3:01CR248)**

PHILLIP MARK VAUGHAN, )  
Petitioner, )  
Vs. )  
UNITED STATES OF AMERICA, )  
Respondent. )  
\_\_\_\_\_  
)

**THIS MATTER** is before the Court on the Petitioner's notice of appeal and motion for a certificate of appealability, filed September 17, 2008.

An appeal may not be taken to the court of appeals from the denial of a motion pursuant to 28 U.S.C. § 2255 unless a certificate of appealability has been issued. **28 U.S.C. § 2253(c)(1)(B).** Such a certificate may not issue unless the applicant has made a substantial showing of the denial of a constitutional right. **28 U.S.C. § 2253(c)(2).** The Petitioner has not made such a showing.

**IT IS, THEREFORE, ORDERED** that a certificate of appealability is hereby **DENIED**.

Signed: September 19, 2008



Lacy H. Thornburg  
United States District Judge

